



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHYSICAL THERAPY
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN
Governor

JOHN J. FARMER, JR.
Attorney General
MARK S. HERR
Director

June 5, 2000

By Certified and Regular Mail

Mr. Jose Naviamos, P.T.
10 Swift Court
Clifton, NJ 07014-1226



Mailing Address:
P.O. Box 45014
Newark, NJ 07101
(973) 504-6455

Re: Failure to comply with the Board's Regulations
Offer of Settlement In Lieu of Filing a Formal
Disciplinary Complaint

Dear Mr. Jose Naviamos:

This letter is to advise you that the New Jersey State Board of Physical Therapy (the "Board") has had an opportunity to review information concerning the physical therapy services you rendered while in the employ of Denville Medical and Sports Rehabilitation Center. Specifically, the information reviewed included:

1. Testimony of Jose Naviamos at Board Inquiry held on April 11, 2000.
2. Progress note for William Kohl dated August 16, 1999.
3. A patient report dated July 6, 1999.
4. A reevaluation for William Kohl dated June 19, 1999.
5. A five page document on spinal range of motion exam.
6. A five page document on muscle testing.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that your actions violated N.J.S.A. 45:1:21(h) and N.J.A.C. 13:39A-3.1 and 13:39A-3.4. More specifically, the Board's review of your testimony on April 11, 2000 reflected that you were the sole physical therapist on staff at the Denville Medical and Sports Rehabilitation Center which was operated by a medical doctor and a chiropractor. A review of the patient records presented at the Board inquiry demonstrated that these records were not in compliance with the patient records regulation as set forth at N.J.A.C. 13:39A-3.1. The records presented indicated that you failed to prepare and maintain a contemporaneous, permanent record that accurately reflected the patient contact, evaluation or consultation setting of the physical therapy treatment offered to William Kohl. Furthermore, the patient record reviewed failed to include documentation of physician direction and failed to contain your signature in

violation of the patient records regulation at N.J.A.C. 13:39A-3.1. You also admitted that you were not aware of the fees charged by the facility nor did you have any knowledge of the billing procedures. This also constitutes a violation of N.J.A.C. 13:39A-3.4. The Board recognized the fact that you attempted to put some procedures in place as reflected by your testimony in that you have prepared the re-evaluation form for use at the facility. The Board considered imposing a penalty of \$2500 for the said violations but decided to reduce the penalty to \$500 based on your testimony.

At this juncture, the Board has preliminarily concluded that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of formal disciplinary proceedings, should you consent to:

1. cease and desist from failing to comply with the Board's patient records regulations and become informed of the fees and billing procedures used by the facility where you are employed.
2. the issuance of a formal reprimand;
3. pay a penalty in the amount of \$500 (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter);

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than those herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay the additional costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Carmen A. Rodriguez, who may be reached at (973) 693-5056.

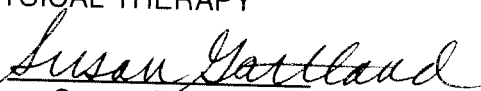
If you elect to settle this matter now you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

JOSE NAVIAMOS, P.T.
JUNE 5, 2000

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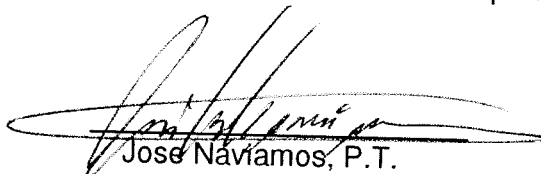
NEW JERSEY STATE BOARD
PHYSICAL THERAPY

By:



Susan Gartland
Executive Director

ACKNOWLEDGMENT: I, Jose Naviamos, hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of \$500 (to be paid upon signing of this acknowledgment), and to comply with all other requirements set forth in the settlement letter.



Jose Naviamos, P.T.

Dated:

cc: Joseph M. Gorrell, Esquire
Carmen A. Rodriguez, Deputy Attorney General